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APPLICATION NO. FILING DATE		ING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/706,917 11/14/2003		1/14/2003	Weixin Gu	086142-0581		
22428	7590 · 01/10/2006			EXAMINER		
FOLEY AND SUITE 500	D LARD	NER LLP	GOODEN JR, BARRY J			
3000 K STRE	ET NW		ART UNIT	PAPER NUMBER		
WASHINGTO	ON DC	20007	3616			

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

			Application No.		Applicant(s)				
	Office A.4' Occurred	10/706,917		GU ET AL.					
	Office Action Summary	Examiner		Art Unit					
		Barry J. God	oden Jr.	3616					
Period fo	The MAILING DATE of this communication a r Reply	ppears on the o	over sheet with the c	orrespondence ad	ddress				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).									
Status									
1)  ズ	Responsive to communication(s) filed on I	4/03							
	This action is <b>FINAL</b> . 2b) ☐ This action is non-final.								
'=	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is								
,	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.								
Disposition of Claims									
4) 🖂	4)⊠ Claim(s) <u>1-22</u> is/are pending in the application.								
•	4a) Of the above claim(s) is/are withdrawn from consideration.								
5)[	5) Claim(s) is/are allowed.								
6) 🗌	S) ☐ Claim(s) is/are rejected.								
7) 🗌	☐ Claim(s) is/are objected to.								
8)⊠	8) Claim(s) 1-22 are subject to restriction and/or election requirement.								
Applicati	on Papers								
9)[	The specification is objected to by the Exami	ner.							
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.									
	Applicant may not request that any objection to the	ne drawing(s) be	held in abeyance. See	e 37 CFR 1.85(a).					
	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).								
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.									
Priority u	inder 35 U.S.C. § 119								
12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:									
	1. Certified copies of the priority documents have been received.								
	2. Certified copies of the priority documents have been received in Application No								
	3. Copies of the certified copies of the priority documents have been received in this National Stage								
	application from the International Bureau (PCT Rule 17.2(a)).								
* See the attached detailed Office action for a list of the certified copies not received.									
				•					
Attachmen	t(s)								
1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413)									
2) Notic	ate								
	nation Disclosure Statement(s) (PTO-1449 or PTO/SB/0 r No(s)/Mail Date	,	5) Notice of Informal P 6) Other:	ratent Application (PT	U-152)				

## **DETAILED ACTION**

## Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species 1 – As seen in Figures 1-4.

Species 2 – As seen in Figure 5.

2. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Currently, claims 1-7, 9, 14-15, 17, and 18 appear to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

3. A telephone call was made to Mr. Michael Kaminski on January 4, 2006 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry J. Gooden Jr. whose telephone number is (571) 272-5135. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Barry J Gooden Jr.

Examiner
Art Unit 3646

PRIMARY EXAMINER

BJG